

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 22nd day of October, two thousand fifteen.

PRESENT:

ROBERT D. SACK,
RICHARD C. WESLEY,
DEBRA ANN LIVINGSTON,
Circuit Judges.

MIROSLAV IVANOVIC,

Plaintiff-Appellant,

-v.-

No. 14-4004

IBM PERSONAL PENSION PLAN,

Defendant-Appellee.

FOR PLAINTIFF-APPELLANT: Lloyd Somer, Law Offices of Lloyd Somer,
New York, NY.

FOR DEFENDANT-APPELLEE: Kevin G. Lauri (Dana G. Weisbrod, *on the*
brief), Jackson Lewis P.C., New York, NY.

Appeal from the United States District Court for Eastern District of New
York (Roslynn R. Mauskopf, *Judge*).

UPON DUE CONSIDERATION, IT IS HEREBY ORDERED,
ADJUDGED AND DECREED that the judgment of the District Court is
AFFIRMED.

Plaintiff-Appellant Miroslav Ivanovic (“Ivanovic”) sued Defendant-
Appellee IBM Personal Pension Plan (“IBM”) to recover benefits pursuant to the
Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001, *et seq.*
 (“ERISA”), and to clarify his rights to future pension benefits under the Plan.
IBM moved to dismiss the complaint pursuant to Rule 12(b)(6) of the Federal
Rules of Civil Procedure on ground that the action was time-barred. The District
Court granted IBM’s motion and dismissed Ivanovic’s complaint.

For substantially the reasons stated by the court below, we find no error in the granting of IBM's motion and dismissal of Ivanovic's complaint. We therefore AFFIRM the judgment of the District Court.

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk